

## City Council

### Motion without Notice

MM35.47	ACTION			Ward: 20
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### **Authorization for Submission of Minor Variance Application - 1478-1496 Kingston Road - by Councillor Gary Crawford, seconded by Councillor Jennifer McKelvie**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

### **Recommendations**

Councillor Gary Crawford, seconded by Councillor Jennifer McKelvie, recommends that:

1. City Council authorize, pursuant to Subsection 45.(1.4) of the Planning Act, submission of a minor variance application in regard to 1478-1496 Kingston Road to zoning provisions including but not limited to setbacks and parking supply requirements of former City of Scarborough's Birchcliff Community Zoning By-law 8786 and City of Toronto Zoning By-law 569-2013, respectively.

### **Summary**

Under the Smart Growth for Our Communities Act, 2015 (Bill 73) which came into final effect on July 1, 2016, Subsections 45.(1.3) and 45.(1.4) of the Planning Act as amended prevent the submission of minor variance applications on properties subject to a privately-initiated zoning by-law amendment within two years of by-law enactment, unless the municipal council has otherwise "declared by resolution that such an application is permitted".

Site specific Zoning By-laws 1409-2019 and 1410-2013 were enacted for 1478-1496 Kingston Road by City Council at its meeting of October 2 and 3, 2019. By-laws 1409-2019 and 1410-2019 implemented owner-initiated amendments to City of Toronto Zoning By-law 569-2013 and Birchcliff Community Zoning By-law 8786, respectively, to permit the construction of an 11 storey mixed use

building containing 198 residential dwelling units and commercial uses on the ground floor area.

As the proposal has been advancing through the review for of an application for site plan control approval, Toronto Buildings has recently identified two areas that the development does not comply with the approved site specific zoning. To address these issues and advance the development, an application for minor variance to the Committee of Adjustment is required. The required zoning relief is to setbacks to bay window projections on the north façade and a reduction in parking supply.

Under the Planning Act as now amended, however, this owner will not be able to file for a minor variance application for zoning relief in this regard until October 4, 2021, thus further delaying site redevelopment and causing the owner undue financial hardship.

As the proposed development (including built form and the use of the land) is for the most part largely the same as that which City Council previously considered and approved and the changes are largely driven by revisions requested or required by City staff through the associated site plan control application, City Council's authorization for submission of a minor variance application at this time is warranted.

### **Background Information (City Council)**

Member Motion MM35.47